UNITED NATIONS

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General Assembly

Distr.
LIMITED

A/AC.105/C.2/L.193/Add.1
31 March 1993

ORIGINAL: ENGLISH

COMMITTEE ON THE PEACEFUL USES
OF OUTER SPACE
Legal Subcommittee
Thirty-second session
New York, 22 March-8 April 1993

DRAFT REPORT OF THE LEGAL SUBCOMMITTEE ON THE WORK OF ITS THIRTY-SECOND SESSION

Addendum

REPORT OF THE CHAIRMAN OF THE WORKING GROUP ON AGENDA ITEM 3 (QUESTION OF EARLY REVIEW AND POSSIBLE REVISION OF THE PRINCIPLES RELEVANT TO THE USE OF NUCLEAR POWER SOURCES IN OUTER SPACE)

1. On 22 March 1993, the Legal Subcommittee re-established its Working Group on agenda item 3.

2. The Working Group had before it the report of the Scientific and Technical Subcommittee on the work of its thirtieth session in 1993 (A/AC.105/543), which contained in its chapter IV a section on the use of nuclear power sources in outer space. The Working Group also had before it General Assembly resolution 47/68 of 14 December 1992, whereby the Assembly had adopted without a vote the Principles Relevant to the Use of Nuclear Power Sources in Outer Space, as well as General Assembly resolution 47/67 of 14 December 1992, which provided in paragraph 4 (a) that the Legal Subcommittee at its current session should consider, through its working group, the question of early review and possible revision of the principles relevant to the use of nuclear power sources in outer space.

3. The Working Group expressed its satisfaction that, after many years of hard work, the Principles Relevant to the Use of Nuclear Power Sources in Outer Space had been adopted, without a vote, by the General Assembly at its forty-seventh session.

4. The Chairman suggested that, in accordance with its mandate, the Working Group could proceed at the current stage, with a preliminary exchange of views

on possible grounds for revision of the Principles, without undertaking such a revision itself, which principle 11 did not require at the current stage.

5. The Working Group considered that any future revision by it of the substantive scientific and technical provisions of the Principles should be based on developments which might occur in the scientific and technical fields, and that it was therefore advisable to await the input of the Scientific and Technical Subcommittee in that respect.

6. Some delegations expressed the view that the time which had elapsed between the adoption of the Principles and the current session of the Subcommittee had been insufficient for a meaningful assessment of the operation of those Principles in practice and that, therefore, the item under consideration should be deferred until the next session of the Subcommittee. Some delegations also expressed the view that the important role of the Principles, which had been adopted after many years of hard work, would be weakened if a discussion on possible shortcomings and defects of the Principles was undertaken immediately after their adoption. Other delegations expressed the view, however, that the Working Group should at its current session undertake such a discussion, whereby the concerns of various delegations with respect to the Principles, as adopted, could be freely expressed and recorded. Some delegations expressed the view that, in order not to weaken the impact of the Principles, which were already "soft law", an incremental approach to revising them should be considered, whereby the Working Group would not reopen discussion on the principles already adopted, but would rather attempt to supplement those principles with new provisions if necessary.

7. With respect to principle 4, Safety assessment, some delegations expressed the view that the principle lacked a provision covering the case where a third State does not agree with the results of the safety assessment carried out by a launching State in conformity with paragraph 1, and made publicly available pursuant to paragraph 3. The view was expressed that this issue was closely linked to the question of notification prior to the launching of a space object carrying a nuclear power source on board. The view was expressed that the wording of principle 4 did not require the concurrence of third States with the results of the safety assessment carried out by a launching State and, accordingly, no provision was needed to cover the case where a third State disagreed with such results. The view was also expressed that in case a disagreement with the results of a safety assessment occurred, a dispute thus arose which could be resolved in accordance with principle 10. The view was further expressed that in case a third State was dissatisfied with the results of the safety assessment, such State could have recourse to the 1967 Outer Space Treaty, article IX, last sentence, which provides for holding consultations concerning an activity which may harmfully interfere with activities of other States.

8. The view was expressed that, in paragraph 3 of principle 4, there was a need to specify the time-limit within which the Secretary-General would be informed on how States might obtain the results of the safety assessment prior to each launch, since the current words "as soon as possible" were too vague.

9. Some delegations expressed the view that the Working Group should be allocated sufficient time for its deliberations next year.

10. The Working Group held its final meeting on 30 March 1993, when it considered and approved the present report.